

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JEREMIAH FOLSOM HERBERT,

Plaintiff,

v.

CHRISTINA SANFELIZ, DEVINNIE M.
DEPUY, CHRISTOPHER FOX, *and* ANDREW
KINDERMAN,

Defendants.

No. 22-CV-4299 (KMK)

ORDER OF SERVICE

KENNETH M. KARAS, United States District Judge:

Plaintiff, who is currently incarcerated and proceeding pro se, brings this Action pursuant to 42 U.S.C. § 1983, alleging that Defendants violated his constitutional rights. By order dated June 10, 2022, Plaintiff's request to proceed in forma pauperis ("IFP"), that is, without prepayment of fees, was granted. On March 21, 2025, the Court dismissed Plaintiff's Amended Complaint. (*See* Op. (Dkt. No. 89).) Plaintiff timely filed a Second Amended Complaint, in which he added a new Defendant, Andrew Kinderman ("Kinderman"). (*See* SAC (Dkt. No. 102).)

Because Plaintiff has been granted permission to proceed IFP, he is entitled to rely on the Court and the U.S. Marshals Service to effect service. *See Walker v. Schult*, 717 F.3d 119, 123 n.6 (2d Cir. 2013); *see also* 28 U.S.C. § 1915(d) ("The officers of the court shall issue and serve all process . . . in [IFP] cases."); Fed. R. Civ. P. 4(c)(3) (the court must order the Marshals Service to serve if the plaintiff is authorized to proceed IFP)).

To allow Plaintiff to effect service on Kinderman through the U.S. Marshals Service ("Marshals"), the Clerk of Court is instructed to fill out a U.S. Marshals Service Process Receipt

and Return form (“USM-285 form”) for Kinderman. The Clerk of Court is further instructed to issue summonses and deliver to the Marshals all the paperwork necessary for the Marshals to effect service upon Kinderman.

If the Second Amended Complaint is not served within 90 days after the date summonses are issued, Plaintiff should request an extension of time for service. *See Meilleur v. Strong*, 682 F.3d 56, 63 (2d Cir. 2012) (holding that it is the plaintiff’s responsibility to request an extension of time for service). Plaintiff must notify the Court in writing if his address changes, and the Court may dismiss the action if Plaintiff fails to do so.

The Clerk of Court is instructed to issue a summons for Kinderman, complete the USM-285 form with the address for Kinderman, and deliver all documents necessary to effect service to the Marshals.

The Clerk of Court is directed to mail a copy of this Order to Plaintiff.

SO ORDERED.

Dated: July 18, 2025
White Plains, New York

A handwritten signature in black ink, appearing to read 'K. Karas', written over a horizontal line.

KENNETH M. KARAS
United States District Judge

DEFENDANT AND SERVICE ADDRESS

1. Andrew Kinderman
New York State Police
5754 State Route 55
Liberty, NY 12754